



# State of Wisconsin


LEGISLATIVE REFERENCE BUREAU

## **RESEARCH APPENDIX -** **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Transfer Requested: 09/19/2008 (Per: PJK)





### Appendix A

 The 2009 drafting file for LRB-0239

has been copied/added to the drafting file for

## **2009 LRB-0315**

 The attached 2009 draft was incorporated into the new 2009 draft listed above. For research purposes, this cover sheet and the attached drafting file were copied, and added, as a appendix, to the new 2009 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

 This cover sheet was added to rear of the original 2009 drafting file. The drafting file was then returned, intact, to its folder and filed.

**2009 DRAFTING REQUEST****Bill**Received: **09/16/2008**Received By: **pkahler**Wanted: **As time permits**

Identical to LRB:

For: **Children and Families**By/Representing: **Bob Nikolay**This file may be shown to any legislator: **NO**Drafter: **pkahler**

May Contact:

Addl. Drafters:

Subject: **Public Assistance - misc**

Extra Copies:

Submit via email: **YES**Requester's email: **Robert.Nikolay@wisconsin.gov**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Emergency assistance to needy persons

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**Instructions:**

See attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pkahler 09/16/2008	jdye 09/17/2008					
/P1			rschluet 09/17/2008		mbarman 09/17/2008		

FE Sent For:

&lt;END&gt;

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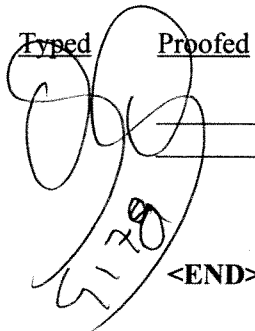
**Drafting History:**

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pkahler

P1 9/17/08



FE Sent For:

&lt;END&gt;

## **Statutory Modifications**

### **Department of Children and Families 2009-11 Biennial Budget**

**DIN:** 5400

**Topic:** Emergency Assistance

#### **Description of Change:**

Under current law the department is responsible for administering, in conjunction with W-2 agencies, a program of emergency assistance to needy persons in cases of fire, flood, natural disaster, homelessness or impending homelessness, or energy crisis. The department is required to establish a maximum amount of aid to be granted based on the funding available under specified appropriations, and for all of the crisis types except energy crisis to establish the maximum amount "per family member." This request would delete this restriction. All currently eligible crisis types would continue to be eligible for assistance.

#### **Requested Change:**

Amend s. 49.138 (1m) as follows:

**(1m)** The department shall implement a program of emergency assistance to needy persons in cases of fire, flood, natural disaster, homelessness or impending homelessness, or energy crisis. The department shall establish the ~~maximum~~ amount of aid to be granted, ~~except for cases of energy crisis, per family member based on the funding available under s. 20.437 (2) (dz) and (md).~~ The department need not establish the ~~maximum~~ amount by rule under ch. 227. The department shall publish the maximum amounts ~~and annual changes to it~~ in the Wisconsin administrative register.

#### **Justification:**

Deleting the statutory reference to the maximum amount of aid provided based on the number of family members will allow the department the flexibility to better address the needs of families facing homelessness. Currently, the emergency assistance payment to a family for most crisis types is based on the number of family members and established at \$150/person. For example, the payment to a three-person family would be \$450. The family's rent may be \$600/month and therefore, the emergency assistance payment would be inadequate to address the crisis consistent with the statutory provision that assistance for homelessness and impending homelessness "may be used only to obtain or retain a permanent living accommodation." Alternatively, the per-person maximum for a larger family could be more than required. The vast majority of assistance is currently provided for homelessness and impending homelessness.

The requested changes will allow better management of the funds available while also better meeting the needs of financially vulnerable families. Deleting the per-family-member reference will clarify that the department may consider grants more specifically tailored to the particular crisis. For example, the department could consider applying a different maximum in high-rent counties (such as Dane, Milwaukee, Kenosha, Ozaukee, Racine, Walworth, Washington, Waukesha, St. Croix, and Columbia) or urban areas.

The specific reference to the appropriations under s.20.437 (2) (dz) and (md) is unnecessary because, since creation of the federal Temporary Assistance for Needy Families (TANF) program, the "all-funds" program level for related programs, including Emergency Assistance, has been specified in a list of "public assistance allocations" at s.49.175 (1) [see s.49.175 (1) (i), which cross-references s.49.138, under current law]. This public-assistance "allocation" structure under s.49.175 is intended to allow flexibility among appropriations consistent with their chapter 20 purpose definitions. Recent budgets have provided additional appropriations used interchangeably with (dz) and (md); further, (dz) and (md) fund more than just emergency assistance, making it less meaningful to use them alone as the basis of a per-person or other maximum. A cross reference to s.49.175 (1) under s.49.138 could be considered but is unnecessary, since implementation of programs is always dependent on funds available for the purpose.

Similarly, deletion of the reference to publishing annual changes to the maximum amount of assistance potentially available makes sense because these maximums may or may not change annually—depending on the funding, demand for grants, cost-of-living, or policies determining the maximum amount for a crisis type, county, etc. It could be argued that the sentence should be deleted in its entirety, since in context, it currently refers to the per-family-member maximum amount that the department is proposing to eliminate. However, the department does not wish there to be an inadvertent appearance that it objects to publishing some maximum, and therefore suggests use of the plural "amounts" in that sentence to connote the possibility that different types of "maximums" could be established.

**Desired Effective Date:** January 1, 2010



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-0239/

PJK:.....

JLd

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-102

Agency Budget Draft

(in 9-16)

do not  
get cut

1 AN ACT *relating to:* emergency assistance amounts.✓

*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES**✓

**PUBLIC ASSISTANCE**✓

Under current law, DCF✓ administers a program of emergency assistance to needy persons in cases of fire, flood, natural disaster, energy crisis, or homelessness or impending homelessness.✓ Except for cases of energy crisis, DCF✓ must establish the maximum amount of aid to be granted per family member, and must publish the maximum amount and any changes to it in the Wisconsin Administrative Register. This bill provides that DCF must establish the amount of aid to be granted, including in cases of energy crisis, rather than the maximum amount to be granted for each family member, and that DCF must publish maximum amounts in the Wisconsin Administrative Register.✓

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

- 2 SECTION 1. 49.138 (1m) (intro.)<sup>x</sup> of the statutes, as affected by 2007 Wisconsin  
3 Act 20, is amended to read:  
4 49.138 (1m) (intro.) The department shall implement a program of emergency  
5 assistance to needy persons in cases of fire, flood, natural disaster, homelessness or

1 impending homelessness, or energy crisis. The department shall establish the  
2 ~~maximum~~ amount of aid to be granted, <sup>✓</sup> ~~except for cases of energy crisis, per family~~  
3 ~~member based on the funding available under s. 20.437 (2) (dz) and (md).~~ The  
4 department need not establish the ~~maximum~~ amount by rule under ch. 227. The  
5 department shall publish the maximum amount and ~~annual changes to it~~ <sup>✓</sup> amounts  
6 in the Wisconsin administrative register. Emergency assistance provided to needy  
7 persons under this section may only be provided to a needy person once in a  
8 12-month period. Emergency assistance provided to needy persons under this  
9 section in cases of homelessness or impending homelessness may be used only to  
10 obtain or retain a permanent living accommodation. For the purposes of this section,  
11 a family is considered to be homeless, or to be facing impending homelessness, if any  
12 of the following applies: <sup>✓</sup>

History: 1995 a. 289 ss. 83e, 103d; 1997 a. 27; 1999 a. 9; 2003 a. 33; 2005 a. 25; 2007 a. 20.

13 **SECTION 9408. Effective dates; Children and Families.** <sup>✓</sup>

14 (1) EMERGENCY ASSISTANCE. The treatment of section 49.138 <sup>✓</sup> (1m) (intro.) of the  
15 statutes takes effect on January 1, 2010.

16

(END)

*), or on the effective date of this  
subsection, whichever is later*

*D-note*

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0239/7dn  
PJK: A....

*jld*

*date*

The language as changed in this draft seems a little too inspecific. Without more, it seems to invite questions. I think it would help to say that the department shall establish the amount of aid to be granted *on a case-by-case basis* or *per individual case* or *per needy person or family* or something of that nature, whatever the intention is.

Publishing *maximum amounts* is also a little inspecific. In current law, publishing the maximum amount makes sense because that is what the department establishes. As amended, the department establishes "the amount," so publishing maximum amounts does not have a direct reference. Are these the *overall* maximum amounts granted under the program, the maximum amounts granted for each type of crisis, the maximum amounts granted in some other category? *or*

Does this change first apply to applications received on *✓* January 1, 2010, determinations made on the effective date, or something else that occurs on the effective date?

Let me know if you want to make any changes in the draft.

Pamela J. Kahler  
Senior Legislative Attorney  
Phone: (608) 266-2682  
E-mail: pam.kahler@legis.wisconsin.gov



**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0239/P1dn  
PJK:jld:rs

September 17, 2008

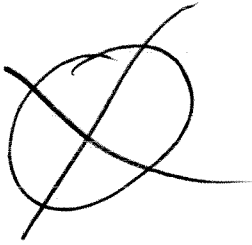
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Pamela J. Kahler  
Senior Legislative Attorney  
Phone: (608) 266-2682  
E-mail: [pam.kahler@legis.wisconsin.gov](mailto:pam.kahler@legis.wisconsin.gov)



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1     **AN ACT ...; relating to:** emergency assistance amounts.

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*Analysis by the Legislative Reference Bureau*  
**HEALTH AND HUMAN SERVICES**

**PUBLIC ASSISTANCE**

Under current law, DCF administers a program of emergency assistance to needy persons in cases of fire, flood, natural disaster, energy crisis, or homelessness or impending homelessness. Except for cases of energy crisis, DCF must establish the maximum amount of aid to be granted per family member, and must publish the maximum amount and any changes to it in the Wisconsin Administrative Register. This bill provides that DCF must establish the amount of aid to be granted, including in cases of energy crisis, rather than the maximum amount to be granted for each family member, and that DCF must publish maximum amounts in the Wisconsin Administrative Register.

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5 department shall publish the maximum ~~amount and annual changes to it~~ amounts  
6 in the Wisconsin administrative register. Emergency assistance provided to needy  
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8 12-month period. Emergency assistance provided to needy persons under this  
9 section in cases of homelessness or impending homelessness may be used only to  
10 obtain or retain a permanent living accommodation. For the purposes of this section,  
11 a family is considered to be homeless, or to be facing impending homelessness, if any  
12 of the following applies:

13 **SECTION 9408. Effective dates; Children and Families.**

14 (1) EMERGENCY ASSISTANCE. The treatment of section 49.138 (1m) (intro.) of the  
15 statutes takes effect on January 1, 2010, or on the effective date of this subsection,  
16 whichever is later.

17 (END)